

EXHIBIT E

**EXHIBIT 64
UNREDACTED VERSION
OF DOCUMENT SOUGHT
TO BE SEALED**

1 UNITED STATES DISTRICT COURT
2 NORTHER DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4 CISCO SYSTEMS, INC.,
5 Plaintiff,
6 vs. Civil Action No.
7 5:14-cv-5344-BLF
8 ARISTA NETWORKS, INC.,
9 Defendants.

10
11
12 HIGHLY CONFIDENTIAL - OUTSIDE ATTORNEYS' EYES ONLY
13 SUBJECT TO PROTECTIVE ORDER

14
15 VIDEO RECORDED DEPOSITION OF ANDREAS BECHTOLSHEIM
16 MAY 25, 2016
17 9:36 A.M.

18
19 555 Twin Dolphin Drive, 5th Floor
20 Redwood Shores, California
21

22
23 REPORTED BY:
24 Mark W. Banta
25 CSR No. 6034, CRR

1 industry standard in the sense that people practice it,
2 but I don't think there was a formal organization that
3 standardized it. And I don't think there's one on the
4 Linux command set, either.

5 Q. You understand that this current lawsuit is
6 about, among other things, the CLI in Cisco's IOS and
7 Arista's EOS?

8 A. Yes.

9 Q. And when I say "CLI," you understand I'm
10 referring to command line interface?

11 A. Correct.

12 Q. Are you aware of any form -- as you've used the
13 term, formal industry standard for a command line
14 interface?

15 MR. SILBERT: Objection. Lacks foundation.

16 THE WITNESS: I'm not.

17 BY MR. NEUKOM:

18 Q. Are you aware of any submission or proposal to a
19 standard setting body by -- by anyone anywhere, any time,
20 proposing that one particular CLI should be made into an
21 industry standard?

22 MR. SILBERT: Same objection.

23 THE WITNESS: I'm not.

24 BY MR. NEUKOM:

25 Q. Has Arista ever proposed to a standard setting

1 body that one or more command expressions should be
2 formally expressed as an industry standard?

3 MR. SILBERT: Same objection.

4 THE WITNESS: No. If I could add something to
5 my just previous answer, there is a -- a subset of CLI
6 commands that was proposed in an IETF draft submission,
7 the so-called Yang, Y-A-N-G, uniform treatment of access
8 list proposal which included a reference to CLI
9 expressions of such commands, but that's just one
10 example.

11 BY MR. NEUKOM:

12 Q. When did you become aware of this Yang proposal
13 to the IETF regarding one or more command expressions?

14 A. I read that about two years ago when it first
15 came out.

16 Q. Was that, to the best of your memory, before or
17 after this lawsuit was filed against Arista?

18 A. I believe it was before. Although I'm not
19 100 percent sure. So I apologize, I can't --

20 Q. That's all right. There won't be any test on
21 the timing of that.

22 To the best of your memory, has any standards
23 setting body ever adopted or proposed Cisco's CLI as an
24 industry standard?

25 MR. SILBERT: Same objection. Foundation.

1 THE WITNESS: Not -- not as far as I know.

2 BY MR. NEUKOM:

3 Q. During your seven or eight years as a Cisco
4 executive, you don't remember any such standard setting
5 exercise with regards to Cisco CLI?

6 A. I do not.

7 Q. And over the last 12 years as Arista's chairman
8 of the board, you don't remember any standard setting
9 body ever contemplating or adopting Cisco's CLI as an
10 industry standard?

11 A. I do not.

12 Q. During your seven or eight years as a Cisco
13 executive, do you remember -- do you have any memory of
14 Cisco ever proposing its CLI to a standard setting body
15 as an industry standard?

16 A. No, not to a standard setting body.

17 Q. And aside from your seven or eight years as a
18 Cisco executive, for example, over the last 12 years as
19 an investor or owner, part-owner and chairman of the
20 board of Arista, do you have any awareness of Cisco ever
21 proposing its CLI or its command expressions to a
22 standards setting body for establishment of an industry
23 standard?

24 A. I do not.

25 MR. NEUKOM: We've been going about an hour.

1 I'm happy to keep going or if you want to take a short
2 break.

3 THE WITNESS: I'm fine.

4 MR. NEUKOM: All righty. We can keep going.

5 Q. Can you identify for me any communication from
6 Cisco to Arista granting Arista permission to use Cisco's
7 CLI?

8 A. I -- I cannot.

9 Q. Can you identify for me any communication or
10 conduct by Cisco to any others in the industry granting
11 others permission to use Cisco's CLI?

12 MR. SILBERT: Objection. Calls for a legal
13 conclusion.

14 THE WITNESS: Yeah, I -- I don't have firsthand
15 knowledge, but I -- I'm not aware of any -- strike that.
16 Sorry.

17 I don't have firsthand knowledge of that.

18 BY MR. NEUKOM:

19 Q. Whether firsthand knowledge or any other kind of
20 knowledge, are you aware of any communication or conduct
21 by Cisco to others in the industry giving them permission
22 to use Cisco's CLI?

23 MR. SILBERT: Objection. Calls for a legal
24 conclusion.

25 THE WITNESS: I am aware of conduct, yes.